

**FINDINGS OF CONFORMANCE  
MULTIPLE SPECIES CONSERVATION PROGRAM  
Van Cleve Tentative Parcel Map  
TPM 20702, Log No. 02-20-001**

**I. Introduction**

The proposed project is a minor subdivision of 51.87 acres into two parcels of 24.91 and 26.95 acres. There is an existing agricultural building and septic system on the southwest corner of proposed Parcel 1. There are two existing horse corrals towards the northern boundary of the property. Other existing improvements include power lines, a well, water lines and access roads. In addition, 25.59 acres of unauthorized clearing has occurred. Development of the proposed subdivision will include grading for two building pads and the construction of associated leachfields and, fire clearing around the structures. The site is accessed by an existing private road easement that runs south from Deerhorn Valley Road.

The project site is located south of Deerhorn Valley Road in the community of Jamul an unincorporated area of San Diego County (APN 600-130-15). Surrounding the site are rural residential uses and agricultural lands interspersed with native habitat. Immediately adjacent the west, south and east of the site is native habitat. The site is generally northerly facing with steep slopes towards the southeastern corner of the property. Elevations onsite range from 2475 to 2825 ft (MSL). The site is located within the Metro-Lakeside-Jamul segment of the County's Multiple Species Conservation Program (MSCP) and is therefore subject to the Biological Mitigation Ordinance (BMO).

A general biological survey and sensitive plant survey was completed by Robin Church beginning in October 2002 and finalized by July 2003. A protocol survey for the Quino Checkerspot Butterfly was completed by Darren Scott Smith beginning in February through April 2003 (the sensitive plant survey was also conducted at this time). Most of the habitat onsite (46.66 acres) is southern mixed chaparral (21.07 acres) or disturbed southern mixed chaparral (25.59 acres) due to clearing. There is 1.67 acres of Dense Coast Live Oak Woodland that occurs along an ephemeral stream. Of this acreage approximately, 0.83 acres has been impacted by clearing of the understory. The stream is classified as a Resource Protection Ordinance (RPO) wetland and has not been impacted. One sensitive plant species was observed onsite, the Engelmann Oak (*Quercus engelmannii*). Two sensitive animal species were observed onsite, the Red-tailed Hawk (*Buteo jamaicensis*) and the Western Bluebird (*Sialia mexicana*) and the Turkey Vulture (*Cathartes aura*) has a high potential to occur. However, no state or

federally listed sensitive plant or wildlife species were observed or are expected to occur onsite.

As a result of this project there will be 34.86 acres of onsite open space and 17.01 acres of impact associated with the development of the subdivision. However, since there was previously unauthorized fire clearing, these impacts must also be mitigated in accordance with the BMO. The project site does not qualify as a Biological Resource Core Area (BRCA) of the MSCP. Since a portion of the proposed open space onsite has been previously impacted, it will receive half the mitigation credit that would normally be credited according to the BMO. There is a total of 25.93 acres of impacts to southern mixed chaparral. Therefore, mitigation required is 25.93 acres (1:1 ratio). Of the 32.67 acres that will be placed in open space, 25.93 acres will count towards mitigation credit and thus no offsite mitigation will be required for Southern Mixed Chaparral. There is 0.83 acres of impacts to dense coast live oak woodland. Mitigation for 0.35 acres of impacts will occur offsite (within a BRCA, the mitigation ratio is 1:1). The remaining 0.48 acres of impacts will be mitigated onsite at a ratio of 2:1 (not a BRCA). Although 1.67 acres of dense coast live oak woodland will be preserved within an open space easement only 0.97 acres will be credited, thus satisfying mitigation requirements. Table 1 summarizes the impacts and required mitigation for the Van Cleve project in accordance with the BMO.

Table 1. Impacts To Habitat And Required Mitigation

Habitat Type	Tier Level	Existing (ac.)	Onsite Existing and Proposed Impacts (ac.)	Mitigation Ratio Onsite	Required Mitigation	Onsite Open Space (ac.)	Mitigation Credit (ac.)	Mitigation Credit Ratio	Offsite Mitigation
Dense Coast Live Oak Woodland	I	0.84	0	NA	NA	0.84	0.55 <sup>A</sup>	1:1	-
Dense Coast Live Oak Woodland-previously impacted	I	0.83	0.83	2:1	1.66	0.83	0.42	0.5:1	0.35
Southern Mixed Chaparral	III	21.07	0.34	1:1	.34	20.74	20.08 <sup>B</sup>	1:1	N/A
Southern Mixed Chaparral-previously impacted	III	25.59	25.59	1:1	25.59	11.93	5.85 <sup>C</sup>	0.5:1	N/A
Disturbed	IV	3.54	3.02	NA	NA	0.52			
<b>Total:</b>	--	51.87	29.78	--	27.59	34.86	26.90	--	0.35

<sup>A</sup> 0.29 acres of Dense Coast Live Oak Woodland is included within the RPO wetland buffer and are therefore considered impact neutral and does not contribute to mitigation requirements.

<sup>B</sup> 0.66 acres of southern mixed chaparral is included within the open space but does not contribute towards mitigation because it is considered too constrained by potential edge effects and is thus considered impact neutral.

<sup>C</sup> 0.23 acres of impacted southern mixed chaparral is included within the RPO wetland buffer and are therefore considered impact neutral and does not contribute to mitigation requirements.

The findings contained within this document are based on County records, staff field site visits, and the biological technical report for TPM 20702 completed by Robin Church January 2004. The information contained within these Findings is correct to the best of staff's knowledge at the time the findings were completed. Any subsequent environmental review completed due to changes in the proposed project or changes in circumstance shall need to have new findings completed based on the environmental conditions at that time.

The project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the CA Department of Fish and Game and the US Fish and Wildlife Service. Please note, no Third Party Beneficiary Status and no associated take authorization for incidental impacts to sensitive species (pursuant to the County's Section 10 Permit under the Endangered Species Act) shall be conveyed by the County for this project, due to previous disturbance.

## **II. Biological Resource Core Area Determination**

**The impact area and the mitigation site shall be evaluated to determine if either or both sites qualify as a Biological Resource Core Area (BRCA) pursuant to the BMO, Article VI.A.1.**

- A. Report the factual determination as to whether the proposed Impact Area qualifies as a BRCA. The Impact Area shall refer only to that area within which project-related disturbance is proposed, including any on and/or off-site impacts.**

The Impact Area does not qualify as a BRCA based on the following criteria:

- i. The land is not shown as Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.**

The project site is not shown as being a Pre-Approved Mitigation Area (PAMA) on the MSCP County Subarea Plan maps. The nearest Pre-Approved Mitigation Area is greater than one mile from the project site. There are open space easements within one half mile of the site to the northwest, northeast and southeast.

- ii. The land is not located within an area of habitat that contains biological resources that support or contribute to the long-term survival of sensitive species, and is not adjacent or contiguous to preserved habitat that is within the Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.**

The project site currently supports an existing agricultural building and other improvements such as power lines, well, water lines and access roads. The habitat onsite is mostly Southern Mixed Chaparral with a small stand of

Dense Coast Live Oak Woodland associated with a small ephemeral stream. Two County sensitive bird species were observed onsite: the red-tailed hawk (*Buteo jamaicensis*) and western bluebird (*Sialia mexicana*). There is one sensitive plant species onsite, Engelmann oak (*Quercus engelmannii*). Although there are resources onsite that may support or contribute to the long-term survival of these or other sensitive species the current uses of the site reduce the importance of the habitat onsite. Furthermore the site is not adjacent or contiguous to PAMA.

- iii. **The land is not part of a regional linkage/corridor. The site is not land that contains topography that serves to allow for the movement of all sizes of wildlife, including large animals on a regional scale. The site does not contain adequate vegetation cover providing visual continuity so as to encourage the use of the corridor by wildlife. The site has not been identified as the primary linkage/corridor between the northern and southern regional populations of the California gnatcatcher in the population viability analysis for the California gnatcatcher, MSCP Resource Document Volume II, Appendix A-7 (Attachment I of the BMO.)**

The site is not part of a regional linkage/corridor as identified on MSCP maps nor is it in an area considered regionally important for wildlife dispersal. The site may allow for movement of smaller mammals but only has a moderate potential to be used by larger mammals such as the mountain lion. The portions of the site that contain adequate vegetation cover to provide visual continuity are steep slopes. However, in general due to existing onsite uses there is lack of vegetative cover and thus lack of visual continuity. There are existing residential rural uses to the north and northwest of the site deterring wildlife movement in those directions. The quality of habitat onsite is rated as low, medium and high, and although several sensitive bird species have been observed utilizing the site or adjacent sites, no large animals have been observed utilizing the project site. The proposed project is not located within or between regional California gnatcatcher populations. There is no habitat onsite to be utilized by the California gnatcatcher.

- iv. **The land is not shown on the habitat evaluation map (Attachment J to the BMO) as very high or high and does not link significant blocks of habitat (except that land which is isolated or links small, isolated patches of habitat and land that has been affected by existing development to create adverse edge effects shall not qualify as BRCA).**

The project site supports Low, Medium and High quality habitat as identified on the MSCP Habitat Evaluation Map. When viewing the parcel in segments running in a northwest-southeast direction the southern portion of the property is rated as low, the central portion as medium and the northern portion as high habitat value. The high value habitat now adjoins agricultural/residential uses to the north and does not qualify the area as a BRCA. The surrounding habitat is also ranked as low, medium and high.

- v. **The land does not consist of or is not within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species.**

The project site is 51.87 acres. Surrounding parcels are of similar or smaller size. There are no blocks of habitat in the immediate area that approximate 500 acres. Other surrounding land uses are primarily rural residential.

- vi. **The land does not contain a high number of sensitive species and is not adjacent or contiguous to surrounding undisturbed habitats, and does not contain soil derived from the following geologic formations: gabbroic rock; metavolcanic rock; clay; and coastal sandstone, which are known to support sensitive species.**

No threatened, endangered or narrow endemic species were detected during the biological survey. The only sensitive species that were observed onsite was the red-tailed hawk, western bluebird and Engelmann oak. Although the site is adjacent and contiguous to surrounding undisturbed habitats, the soils onsite consist of Vista rocky coarse sandy loam and Cienega-Fallbrook rocky coarse sandy loam. These soil types do not generally support a large number of sensitive, endemic species.

**B. Report the factual determination as to whether the Mitigation Site qualifies as a BRCA.**

The mitigation will take place onsite. Although the project site does not qualify as a BRCA, it is a relatively large area of sensitive habitat suitable for protection that has connectivity to a large block of undeveloped land to the west, south and east.

### **III. Biological Mitigation Ordinance Findings**

**A. Project Design Criteria (Article V.A)**

**The following findings in support of Project Design Criteria, including Attachments G and H (if applicable), must be completed for all projects that propose impacts to Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List) or proposes impacts within a Biological Resource Core Area.**

Findings in support of Project Design Criteria, including Attachments G and H, are not necessary since the project is not within a BRCA and does not propose impacts to sensitive, endemic or otherwise endangered species within the MSCP Subarea.

#### IV. Subarea Plan Findings

**Conformance with the objectives of the County Subarea Plan is demonstrated by the following findings:**

- 1. The project will not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies.**

The project site contains a small, natural ephemeral stream that is surrounded by dense coast live oak woodland and flows offsite to the north. The ephemeral stream is classified as a wetland under County, State and Federal jurisdiction. The entire wetland along with the associated dense coast live oak woodland habitat is protected within an open space easement. Therefore, there are no impacts proposed to wetlands as a result of this project.

- 2. The project includes measures to maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.**

The majority of the site is southern mixed chaparral (46.66 acres). The only other habitat onsite is dense coast live oak woodland and a Resource Protection Ordinance (RPO) wetland and the entire 1.67 acres of these habitats are within the proposed open space easement. Additionally, 70% of the southern mixed chaparral is within the open space easement. The easement includes drainage features, portions of the site that are relatively flat, as well as the portions that tend to be steep such as towards the southeastern corner of the project site. Thus the project design includes measures to maximize the habitat structural diversity of conserved habitat areas and includes conservation of unique habitats and habitat features.

- 3. The project provides for conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological values by the MSCP habitat evaluation model.**

The project site supports low, medium and high quality habitat as identified on the MSCP Habitat Evaluation Map. When viewing the parcel as segments running in a northwest-southeast direction the southern portion of the property is rated as low, the central portion as medium, and the northern portion as high habitat value. Development is proposed towards the northern property boundary close to the existing private road access easement. Although the habitat here is rated as high value, there are existing uses and disturbances. Furthermore, the high value habitat in this northern portion that has higher sensitivity, the coast live oak woodland, will be preserved within an open space easement and protected adequately from edge effects with a biological buffer and a limited building zone easement. Therefore the project provides for conservation of habitat having high biological values.

4. **The project provides for the creation of significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.**

Development is proposed towards the northern property boundary close to the existing private road access easement where there are existing uses and disturbances. A significant block of habitat (67% of the site) will be preserved within an open space easement. Edge effects associated with development will thus be reduced. Some portions of the site, such as the sliver of habitat on the western boundary adjacent to an existing access road will be preserved in open space but do not count towards mitigation credit due to potential edge effects from either existing uses or the neighboring property.

5. **The project provides for the development of the least sensitive habitat areas.**

Development is proposed towards the northern property boundary close to the existing private road access easement where there are existing uses and disturbances. The most sensitive habitat onsite (coast live oak woodland and RPO wetland) is preserved within an open space easement and the large block of southern mixed chaparral onsite that is adjacent and contiguous to large blocks of undeveloped land to the east, south and west will be preserved

6. **The project provides for the conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.**

No threatened, endangered, or narrow endemic species were detected on the project site and the site does not include habitat for key regional populations of covered species. One sensitive plant species, the Engelmann Oak was observed onsite. Although most specimens are not within the proposed open space easement, it is not anticipated that these trees will be removed as a result of this project. Two sensitive species, the red-tailed hawk and the western bluebird were observed onsite and the turkey vulture has a high potential to occur as it was observed soaring over an adjacent site. However, due to the project design and the conservation of a large block of habitat within an open space easement, developing the site will not significantly impact sensitive habitat, or impact key populations of covered species.

7. **Conserves large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate. Special emphasis will be placed on conserving adequate foraging habitat near Golden eagle nest sites.**

The site is surrounded by undeveloped lands to the east, south and west. The open space design conserves a 34.86-acre block of habitat that is adjacent and contiguous to this undeveloped land. This will allow wide ranging species such as

mule deer and Golden Eagle (rated with a moderate potential to occur onsite) to continue using the site for foraging and movement.

- 8. All projects within the San Diego County Subarea Plan shall conserve identified critical populations and narrow endemics to the levels specified in the Subarea Plan. These levels are generally no impact to the critical populations and no more than 20 percent loss of narrow endemics and specified rare and endangered plants.**

No critical or narrow endemic species were detected on the site.

- 9. No project shall be approved which will jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.**

The project site is not within an area of regional significance with regard to conservation of sensitive species and habitats. The project site and surrounding area is zoned for general agriculture. Developing the site will not hinder possible preserve systems as the open space design will aid in conservation and wildlife dispersal.

- 10. All projects that propose to count on-site preservation toward their mitigation responsibility must include provisions to reduce edge effects.**

The project proposes an open space easement that protects native habitat in one large contiguous patch. The steeper areas towards the southeast boundary of the site and encompassing southern mixed chaparral, will not be impacted by the residential uses proposed by the project. The wetland onsite is protected by an adequate biological buffer of at least 200 ft (except at the northern end where there are constraints from existing uses). Additionally, the open space boundary extends at least 50 ft from the dripline of the dense coast live oak woodland. A 100 ft limited building zone further protects the integrity of the open space. An exception will be made to allow the structure proposed for parcel one to be within 50 ft of the open space easement (as approved by the Fire District). Fencing and signage will be required to further separate development from the open space. All the measures described above will act to reduce edge effects.

- 11. Every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined in the BMO.**

The project site is not within a Biological Resource Core Area. However, the presence of undeveloped land to the east, south and west makes onsite mitigation appropriate. Approximately, 67% of the site will be preserved within an open space easement that includes the most sensitive habitats onsite such as dense coast live oak woodland and RPO wetland. Seventy percent of the southern mixed chaparral onsite will be preserved and the entire easement includes drainage features, portions of the site that are relatively flat, as well as the portions that tend to be steep. Additionally the easement is adjacent to and contiguous with the undeveloped lands surrounding the property. Development is

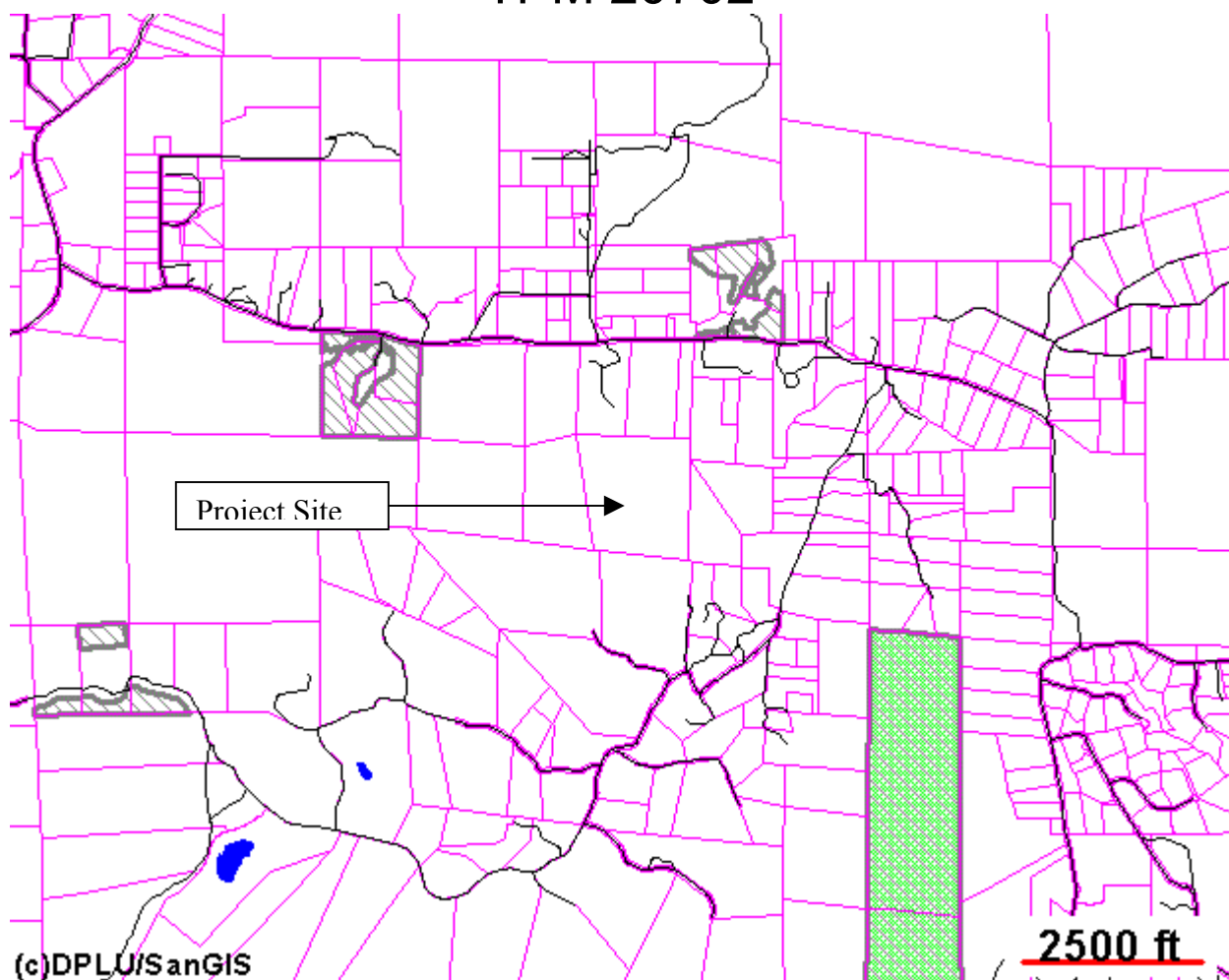


proposed towards the northern property boundary close to the existing private road access easement where there are existing uses and disturbances. There are no specific impacts to sensitive species as a result of this project. Species observed such as the red-tailed hawk and the western bluebird can continue to use the site for foraging and/or nesting. Small and even larger mammals may continue to use the site as a local corridor for wildlife movement.

Megan Hamilton, Department of Planning and Land Use  
March 10, 2004

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## MSCP Designation For Van Cleve Tentative Parcel Map TPM 20702



- Streets
- Freeways
- Parcels
- Rivers
- Creeks
- Major Amend Area
- Minor Amend Area
- Minor Amend Area w/ special Requirements
- MSCP PAMA
- Take Authorized Areas
- Planned Preserve
- Biological & Openspace Easements